United States District Court		SOUTHERN DISTRICT OF TEXAS
NATIONAL CITY BANK OF KENTUCKY,	8	
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	8	
Plaintiff,	8	
	8	
versus	8	CIVIL ACTION H-05-2755
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Kimberli Bruce, and	8	
ALL OTHER OCCUPANTS OF	8	
of 5743 South Braeswood Boulevard	8	
Houston, Texas 77096,	8	
	8	
Defendants.	8	

Opinion on Remand

Kimberli Bruce joined by fellow occupant, Robert Bruce, have removed an action for forcible entry and detainer from a justice of the peace in Harris County, Texas. They were sued by the Bank of Kentucky for holding the property by occupancy after the bank foreclosed its deed of trust.

The grounds for removal are entirely defensive; that is, they say that they removed the case because in the process of the foreclosure, collection, and other aspects of its mortgage banking, the Bank of Kentucky violated rights of theirs about their individual liberty and credit reporting. One may not remove a case because of his imagined defense implicates federal law. The issue of federal law must appear on the face of the complaint. Chuska Energy Co. v. Mobil Exploration & Producing North America, Inc., 854 F.2d 727 (5th Cir. 1988).

This case will be returned to the justice of the peace on this court's own motion. It returns with that court having personal jurisdiction of Robert Bruce. Because he voluntarily appeared in this case while it was here, so he goes back with it.

Signed August 24, 2005, at Houston, Texas.

United States District Judge